

Remarks

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-22 are pending in the application. Claims 1, 2, 9, 10, 16 and 17 have been allowed. Claims 1, 3, 5, 9, 11, 13, 16, 18 and 20 are independent.

Telephonic Interview

Applicants wish to thank the Examiner for extending a telephonic Examiner Interview on September 19, 2007, where the claims presented here were faxed to the Examiner. Applicants also wish to thank the Examiner for the voice mail of October 2, 2007 stating that the 35 U.S.C. § 112 rejection of claims 6 and 7 has been withdrawn and that all claims are now in condition for allowance.

IDS Status

Applicants respectfully request the return of the Form PTO-1449 included with the Information Disclosure Statement (IDS) filed April 10, 2007, marked to confirm the Office's consideration of the information submitted in that IDS. A copy of that form is enclosed herewith for the Office's convenience.

Cited Art

The Office action ("Action") applies the following cited art: U.S. Patent No. 6,675,148 to Hardwick ("Hardwick").

§ 112 Rejection

The Action rejects claims 6-7 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully disagree, and traverse. Claims filed in the original application are part of the written description. The fact that reference to the subject matter of the claims does not appear elsewhere within the specification does not matter if the language of the claims is sufficient to describe and enable them. "There is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. *In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976) ("we are of the opinion that the PTO has the initial burden of presenting evidence or reasons why persons

skilled in the art would not recognize in the disclosure a description of the invention defined by the claims".) MPEP 2163.1.A. However, the issue of a lack of adequate written description may arise even for an original claim when claim features have not been described "with sufficient particularity such that one skilled in the art would recognize that the applicant had possession of the claimed invention." *Id.*

Claims 6 and 7 were in the application as originally filed. Claim 6 reads: *The method of claim 5 wherein the Golomb coding has a divisor not equal to a power of 2.* Claim 7 reads: *The method of claim 5 wherein the divisor is 3.* As such, the claim features are described with sufficient particularity that it is completely clear that the applicant had possession of the claimed invention. They do not need to be otherwise described within the rest of the specification. Applicant respectfully submits that claims 6 and 7 fully satisfy the requirements of the first paragraph of 35 U.S.C. § 112. Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

Allowable Subject Matter

The Action indicates that claims 1-2, 9-10, and 16-17 are allowable.

The Action rejects claims 3-8, 11-15 and 18-22 under 35 U.S.C. § 102(e) as being anticipated by Hardwick. The Applicants respectfully disagree with the rejections, but are amending the claims to expedite prosecution.

Claim 3 has been rewritten to include language (from allowed claim 1) that was highlighted in the section entitled, "Allowable Subject Matter." (Action, page 5.) Claim 3 should therefore be considered allowable. Claim 4 depends from allowable claim 3, and so should also be allowable.

Claim 5 has been rewritten to include language (from allowed claim 1) that was highlighted in the section entitled, "Allowable Subject Matter." (Action, page 5.) Claim 5 should therefore be considered allowable. Claims 6-7 depend from allowable claim 5, and so should also be allowable.

Claim 8 depends from allowable claims 1-6, and so should also be allowable.

Claim 11 has been rewritten to include language (from allowed claim 1) that was highlighted in the section entitled, "Allowable Subject Matter." (Action, page 5.) Claim 11

should therefore be considered allowable. Claim 12 depends from allowable claim 11, and so should also be allowable.

Claim 13 has been rewritten to include language (from allowed claim 1) that was highlighted in the section entitled, “Allowable Subject Matter.” (Action, page 5.) Claim 13 should therefore be considered allowable. Claims 14-15 depend from allowable claim 13, and so should also be allowable.

Claim 18 has been rewritten to include language (from allowed claim 16) that was highlighted in the section entitled, “Allowable Subject Matter.” (Action, page 5.) Claim 18 should therefore be considered allowable. Claim 19 depends from allowable claim 18, and so should also be allowable.

Claim 20 has been rewritten to include language (from allowed claim 16) that was highlighted in the section entitled, “Allowable Subject Matter.” (Action, page 5.) Claim 20 should therefore be considered allowable. Claims 21-22 depend from allowable claim 20, and so should also be allowable.

All pending claims therefore should be considered allowable.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants’ position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Conclusion

The claims should be allowable. Such action is respectfully requested.

Respectfully submitted,

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